



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

**City of Warwick
Planning Board Meeting
Minutes
March 10, 2021**

Members Present: Valerie Bataille
Benny Bergantino
Steve Catalano
Cynthia Gerlach
Michael Holmes
Michael Penta
Linda Polselli
Philip Slocum

Members Absent: Vincent Gambardella

Also in Attendance: Bruce Keiser, Planning Director/Administrative Officer
Lidia Cruz-Abreu, Asst. Administrative Officer
Lucas Murray, Asst. Principal Planner
Eric Hindinger, Engineering Project Manager
David Petrarca, Solicitor

Chairman Slocum called the meeting to order at 6:05 p.m.

The February 2021 meeting minutes were presented for review and approval. A motion was made by Mr. Catalano, to approve the February 2021 Planning Board minutes, seconded by Ms. Polselli. All in favor; none opposed, no abstentions.

Public Hearing
Major Land Development Project
1160 Post Road/Pond Plaza
Preliminary
CONTINUATION OF FEBRUARY 2021 PLANNING BOARD

Applicant: Cenicor, LLC
Owners: PRW Holdings, LLC
Location: 1160 Post Road
Assessor's Plat: 298
Assessor's Lot: 18
Zoning District: General Business (GB) abutting Residential A-7
Area: 4.19 +/- acres
Ward: 3
Engineer: DiPrete Engineering

**PLANNING DEPARTMENT • BRUCE KEISER, DIRECTOR
3275 POST ROAD • WARWICK, RI 02886 • 401-738-2009**

The Application is a CONTINUATION OF THE FEBRUARY 2021 PLANNING BOARD MEETING. Mr. John Mancini, ESQ, Mancini Carter, PC; represented the Applicant who was requesting Preliminary Plan Approval of a Major Land Development Project to redevelop a parcel with an existing building (a portion of which will remain), to construct a three (3) story addition to the building to be used as a self-storage facility, and reconfigure the parking area. The total building footprint is proposed to be 46,038 sf – 33,388 sf of the footprint dedicated to storage use (100,014 gsf), and 12,650sf related to retail use. The front portion of the existing building will remain and be renovated for the retail uses. The rear portion of the existing building is to be demolished to provide for the development of the self-storage facility.

The development site is currently occupied by Pond Plaza, a building which houses various commercial retail uses including a pizza restaurant, hair salon, nail salon, daycare, and a laundromat. The site shares a parking lot and driveways with a commercial building to the northeast which is currently used as a restaurant. Sand Pond is located to the southwest of the proposed development with residential properties located to the northeast and southeast.

Planning Department Findings

The Administrative Officer finds the following related to RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City’s Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*:

1. That the proposal is generally consistent with the *City of Warwick, Comprehensive Plan 2033* or must satisfactorily address issues where there may be inconsistencies, as follows:
 - a. The proposal includes the redevelopment of a worn retail shopping center and is consistent with *Chapter 12* of the *Future Land Use, Zoning and Urban Design* element which finds that shopping centers and neighborhood retail east of I-95 need redevelopment to meet contemporary needs and that reducing the amount of low-density, low-value retail and services along major corridors is a challenge for the city.
 - b. The proposal includes a high density of mixed land uses on a single site which is consistent with *Chapter 12*, of the *Future Land Use, Zoning and Urban Design* element which states as a Goal that Warwick have a sufficient diversity of land uses to support a strong and stable tax base, and to continue to balance land uses, particularly between regional retail and non-retail commercial uses.
 - c. A stated policy in *Chapter 12*, of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is to “ensure that proposed new residential, business and industrial uses are compatible with the character and surrounding area.” Planning staff remain concerned that the height and scale of the building relative to the character of the surrounding area is inconsistent with this element of the *Comprehensive Plan*. The applicant has attempted to mitigate this inconsistency

through the inclusion of landscape enhancements and planting buffers along the periphery of the site abutting residential areas. However, the Board must determine if the measures taken to date satisfactorily address this inconsistency or if additional measures are required to reduce the building height or size to make the structure more compatible with the surrounding area.

- d. The proposal includes demolishing a portion of the existing retail building and elimination of underutilized pavement parking areas for active use that will include landscape enhancements within the site and along Post Road, a highly traveled commercial corridor in the City, which is generally supported by the Comprehensive Plan. Over 60 percent of Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is “very important.”
- e. *Chapter 12, of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* states as an action to “prevent commercial intrusion into residential neighborhoods.” Planning staff remain concerned that expansion of the current building footprint further toward the existing residential zone is inconsistent with this element of the Comprehensive Plan. The applicant has attempted to mitigate this inconsistency through the inclusion of landscape enhancements, planting buffers, and preservation of existing mature trees along the periphery of the site. However, the Board must determine if the measures taken to date satisfactorily address this inconsistency or if additional measures are required to reduce the height, size, or setback of the structure to make it more compatible with the surrounding area.
- f. *Chapter 12, of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* element, characterizes this area of Post Road as containing “a mixture of residential and well-worn dense commercial strip development, with large expanses of impervious surfaces and multiple curb cuts characterizing the commercial and multi-family development sites” and goes on to cite one of the land issues in this area “To upgrade and modernize obsolete commercial strip development uses and design, with design and development standards to be applied to development projects.” The proposal specifically includes the modernization of an existing obsolete strip mall and will be required to adhere to current building codes and standards.
- g. That *Chapter 4, Natural Resources* section of the Comprehensive Plan, states as a Goal, that Warwick’s natural resource systems, sensitive water resources and natural habitats are preserved and protected for future generations, with a companion policy to “protect, preserve and enhance natural resource areas adjacent to developed or potentially developed areas.” The project will result in a 30% reduction of impervious surface area and include underground infiltration devices and other proprietary devices to provide pretreatment and TSS removal prior to stormwater discharge from the site.

development conditions, and... proposed BMPs will provide water quality treatment for stormwater runoff.”

- c. The Rhode Island Department of Environmental Management’s Office of Water Resources (RIDEM) determined that the project may be permitted as an insignificant alteration to freshwater wetlands with terms and conditions (Wetland Application No. 19-0324)
 - d. The Rhode Island Department of Environmental Management’s Office of Water Resources (RIDEM) issued a stormwater infiltration system permit (Groundwater Discharge/UIC No. 001953) after reviewing the project proposal for compliance with DEM Stormwater Discharge Rules (250-RICR-150-05-4).
 - e. The Rhode Island Department of Environmental Management’s Office of Water Resources (RIDEM) issued a final authorization to discharge stormwater associated with construction activity (RIPDES No. RIR101975) after reviewing the project proposal for compliance with 2018 RIPDES General Permit for Stormwater Discharge during Construction Activity (“CGP”).
 - f. A Stormwater System Operation and Maintenance Plan for the proposed storm water collection system was prepared by DiPrete Engineering and approved by RIDEM.
 - g. All existing trees on the subject parcel bordering Sand Pond will remain with limited pruning of deadwood as approved by the City’s Landscape Coordinator to ensure there is no additional erosion on the existing embankment and the positive effects existing vegetation has on stormwater treatment and quality remain.
4. That the development, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable in consideration of the following:
- a. The development, as proposed, is contained solely on a single lot (AP 298/ Lot 18) and the Applicant has sufficiently demonstrated that the lot can appropriately support development while remaining in conformance with pertinent regulations and building standards.
5. That the proposed development possesses adequate and permanent access to a public street in consideration of the following:
- a. The project includes two full width/ full service curb cuts onto Post Road (Route 1), a public roadway under the care, custody, and control of the Rhode Island Department of Transportation (RIDOT)
 - b. The Rhode Island Department of Transportation (RIDOT) has authorized the modification/relocation of existing curb cuts requested as part of the applicants Physical Alteration Permit (PAPA No. 191119-B) for the two full width curb cuts located on Post Road (Route 1).

Planning Staff read the Recommendations into the record.

Planning Department Recommendations

Should the Board see fit to grant Preliminary Plan approval, the Planning Department recommends the following stipulations:

1. That all plans shall comply with "Rules and Regulations for Professional Land Surveying in the State of Rhode Island", effective date November 25, 2015.
2. That the Applicant shall submit a Final Land Development Plan that complies with Appendix C, Final Application, of the City's Development Review Regulations governing Subdivisions, Land Development Projects, and Development Plan Review, last amendment dated March 14, 2001.
3. That the end of the parking area be redesigned to provide turning capabilities for fire apparatus per NFPA 1 (RIFC), 2015 edition. Acceptable turnarounds can include a cul-de-sac, a T-turn, or a Y-turn. Minimum length of T or Y turn equal to length of longest fire apparatus.
4. That, prior to Final Plan submittal, the Warwick Fire Department shall review the plans for compliance with all life safety codes and issues.
5. That the project engineer shall coordinate with the Warwick Sewer Authority and Warwick Water Division on necessary permits and approvals.
6. That the Applicant shall work with the Planning Department Staff as directed by the Administrative Officer to reduce the height and/or size of the rear portion of the building to make it more compatible with the surrounding residential area and satisfactorily address inconsistencies with the City's Comprehensive Plan related to the compatibility of the proposed structure with the surrounding residential area and intrusion into residential areas.
7. That the final plan submittal shall include 3-dimensional visual studies and/ or renderings of current and revised building designs as requested by the Administrative Officer so the Board can determine:
 - a. If the revised building plan suitably meets the goals and policies outlined in *Chapter 12, of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* including:
 - i. Ensuring that proposed new residential, business, and industrial uses are compatible with the character and surrounding area;
 - ii. Preventing commercial intrusion into residential neighborhoods;
 - iii. Supporting economic development without adverse impacts on residential neighborhoods and traffic;

15. That the final plan review shall be conducted by Planning Board with a public hearing.

After considering all of the representations and presentations made at the public hearing, a motion was made by Member Bataille, seconded by Member Bergantino, to deny the application. The Board voted five (5) in the affirmative, two (2) in the negative to deny the Preliminary Plan approval. Mr. Penta initially voted “no, not in favor of denial” but subsequently indicated he was confused on the motion and requested his vote be changed to “yes” because he was not in favor of approving the application. Ms. Gerlach recused herself due to a personal association with the land owner. The five board members voting in favor of denial cited the following findings:

1. That the proposal is contrary to the five goals listed in Part 2, Chapter 4 of the Cultural and Natural Resources section of the City Comprehensive Plan, including:
 - a. To protect and restore natural systems with desirable land use practices and management programs.
 - b. To implement programs to protect and restore fresh water wetlands and improve water quality. This risk of a spill could impair the water quality.
 - c. To support policies/measures to protect shellfish and associated resources, Sand Pond having been identified as being used.
 - d. To support continued initiatives to improve water quality and habitat quality in the Pawtuxet River watershed. Sand Pond is part of the Pawtuxet River watershed and an incident from the proposal could irrevocably impact the water and habitat quality.
 - e. To protect water quality, critical wildlife and wildlife habit. As a kettle pond, Sand Pond is spring fed and has a sensitive ecosystem. One accident could sacrifice gains made to adhere to this goal. The proposal is counter to this goal.
2. That the proposal is contrary to Part 6 of the Comprehensive Plan. Future City and Stewardship, states that one of our goals is to intensify efforts to make Warwick a green community. The goals listed are to protect our future generations. This project includes too much risk and runs counter to these goals.
3. That the development does not suitably meet the goals and policies of the Comprehensive Plan, specifically in Chapter 12 Future Land Use, Zoning and Urban Design which provides for:
 - a. Ensuring that proposed new residential business and industrial uses are compatible with the character and surrounding area.
 - b. Preventing commercial intrusion into residential neighborhoods in supporting economic development without adverse impacts on residential neighborhoods and traffic pursuant to Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design.
4. That runoff from chemicals is of concern. There is no way to control what ends up in the storage units.

5. That the project is oversized in consideration of the surrounding area and will seriously diminish the quality of the area.
6. That if a fire or chemical accident were to occur it would compromise the quality of this “fifth cleanest kettle pond in our State of Rhode Island in a residential area.”
7. That there are unresolved discrepancies between what the applicants experts presented and what the “other experts” and residents in the area brought forth.
8. That the project is not supported by either Chapter 4 or Chapter 12 of the Comprehensive Plan and would have a severe negative impact on the quality of life for residents in the area and the quality of the pond.
9. That the size and scale of the project is not appropriate. If the size and scale of the project were “tempered down it may be an entirely different outcome.” The size and scale are not supported by Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design.

In consideration that the motion to deny the application was supported by an affirmative vote of five (5) members of the Board with appropriate findings presented pursuant to Section 8.4.2 of the City’s Development Review Regulations, the application for Preliminary Plan approval was denied.

Public Hearing
Major Subdivision w/Street Extension
Zircon Street
Combined Master Plan-Preliminary

Applicant/Owner: Salvatore J. Petrilli
Location: 10 Zircon Street
97 Drum Rock Avenue
Assessor’s Plat: 244
Assessor’s Lots: 8 & 241
Zoned: A-10 Residential
Area: 5 acres
Ward: 9
Surveyor: D’Amico Engineering Technology, Inc.

Mr. Sanford Resnick, ESQ, Resnick and Caffrey; represented the Applicant who was requesting a Major Change to a previously approved (July 2020) Minor Subdivision. The Applicant was requesting a combined Master Plan-Preliminary Approval of a Major Subdivision with a street extension (Zircon Street Extension). The Applicant is proposing to subdivide (2) two lots to create (6) six lots; (1) one 32,186 square foot lot with an existing single-family dwelling; (1) one 13,873 square foot lot with a pre-existing, non-conforming single-family dwelling having less than required front-yard setback; (1) one 2.59 acre parcel for Open Space Land Dedication to the City of Warwick; and (3) three new lots for the development of single-family dwellings. The Applicant

is requesting a deviation from the City of Warwick Development Review Regulations, Design Standards, specifically, D.2.1, Streets, section D, Extension of Street, Alternate Width, section H, Right of Way Travel Width, reduction of width, and D.2.2 Sidewalks, grass sidewalk, in an A-10 Zoning District

Planning Board Findings

The Administrative Officer finds the proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statement* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Section 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, which supports the protection of established residential neighborhoods, and is generally consistent with the existing neighborhood within the 200' radius, which consists of varying lot sizes, in the A-10 Residential District.
 - Chapter 12 of the City of Warwick Comprehensive Plan, specifically, the section entitled "Future Land Use, Zoning and Urban Design: Goals and Policies," which promotes developments *"that are safe, attractive, well-maintained and stable... ones designed to "protect... and support...existing residential neighborhoods;"*
 - It further promotes... *"Public and private development that meet high standards of design by ensuring that proposed new residential development is compatible with the character of the surrounding area;"*
2. That the project, as proposed, is in compliance with the City's Zoning Ordinance, with the exception of Record Lot 4 which consists of a pre-existing, non-conforming single-family dwelling having less than required front-yard setback, in an A-10 Zoning District. The Applicant however, is requesting a deviation from the City of Warwick Development Review Regulations, Design Standards, specifically, D.2.1, Streets, section D, Extension of Street, Alternate Width, section H, Right of Way Travel Width, reduction of width, and D.2.2 Sidewalks, grass sidewalk.
3. That there will be no significant negative environmental impacts from the proposed development, having received review and approval from the following authorities:
 - Warwick Historic District Commission-modification to stonewall.
 - RI Historic Preservation and Heritage Commission-archaeology
 - RIDEM-Wetlands Permit No. 20-0033, RIDEM-RIPDES Permit No. 102009, RIDEM-UIC Permit No. 001967
 - Kent County Water Authority-approval
4. That the subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.

5. That the subdivision possesses adequate access to a public street along Drum Rock Avenue and the proposed extension of Zircon Street.
6. That the development, as proposed, will have access to Municipal Sewer and Kent County Water.

Planning Staff read the recommendations into the record.

Planning Department Recommendations

The Planning Department recommendation is to grant a combined Master Plan-Preliminary Approval with Final Approval through the Administrative Officer, upon compliance with the following stipulations:

1. That the Applicant shall submit a Final Development Plan and Record Plat that shall comply with the Rules and Regulations for Professional Land Surveyors, Effective November 25, 2015.
2. That the Applicant shall submit a Final Development Plan and Record Plat that shall comply with Appendix C, Major Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001, which shall include at a minimum, but not be limited to:
 - Note all stipulations and conditions of Approval
 - Note required monumentation
 - Note monumentation (IRON RODs) to clearly delineate the Open Space Access Easement.
 - Hatch the Open Space Access easement on both Record Plat and Development Plan
 - Correct Title Block and Cover sheet to note a Major Subdivision
 - Note Record Lot 6 “Open Space Lot for Public Access”
3. That a Soil Erosion and Sediment Control Permit shall be obtained, from the Building Department prior to the commencement of any work on-site; soil erosion and sediment control measures must be properly maintained throughout construction.
4. That the Project Engineer shall inspect the installation of the Stormwater Management System and submit a certification that the construction substantially conforms to the approved plans. Additionally, the Project Engineer shall prepare an as-built plan of the system; highlighting any deviations from the approved plan; changes from the approved design plan will require prior authorization from the Approving Authority.
5. That all work must be in accordance with the RIDEM approvals.

6. That an adequate number of fire hydrants, spaced 300 ft. apart and providing a minimum of 1000 GPM, shall be noted on the Final Plan.
7. That all corners shall be negotiable by vehicles having an outer tire radius of 50 ft. left or right.
8. That the Property Owners/Homeowner's Association shall be responsible for the long-term maintenance and operation of the Stormwater Management System, including the elements within the right-of-way, and shall be noted in the Operations and Maintenance Plan. That the Project Attorney shall submit the Association Documents and Deeds with the Final submission for review and approval by the Administrative Officer.
9. That the Applicant shall provide a Deed to the City of Warwick designating Record Lot 6 as an "Open Space Lot for Public Access" in perpetuity. Additionally, the Applicant shall provide a Deed for Record Lot 1, which details the Open Space Access easement which shall note that the easement shall remain clear and unobstructed.
10. That the Applicant shall provide detailed verbiage/Deeds for the utility easements noted on the Record Plat/Final Plan.
11. That, prior to Final Approval, the Applicant shall provide a Performance Bond equal to the value of the cost of roadway construction, installation of utilities, as-built plans, monumentation and landscaping.
12. That both the existing and the proposed single-family dwellings shall be connected to Municipal Sewers, prior to the issuance of the Certificate of Occupancy for the proposed single-family dwellings.
13. That, prior to the issuance of a Certificate of Occupancy, the Applicant shall install all Monumentation and Landscaping, as depicted on the Final Development Plan/Record Plat and shall connect all dwellings to Municipal Sewer.

Ms. Bataille, seconded by Ms. Polselli, made a motion to adopt the Planning Department's Findings and Recommendations and to grant a combined Master Plan-Preliminary Approval with Final Approval through the Administrative Officer. All in favor; none opposed.

Annual Election of Officers

Mr. Holmes, made a motion, seconded by Mr. Catalano, for Mr. Slocum, Chairman, Mr. Gambardella, and Ms. Gerlach, Secretary. All in favor, none opposed.

Mr. Catalano, seconded by Ms. Bataille, made a motion adjourn at 10:05 pm. All in favor, none opposed.